UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/28
1 May 1995

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Fifth session
New York, 27 March-12 April 1995

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE FIFTH SESSION, ON 12 APRIL 1995

1. I would like first of all to thank you most sincerely for the very intensive and constructive manner in which you have utilized the two and a half weeks available to us for negotiations during this session. I believe we have made considerable progress in all areas of our work. We were able to review in detail the Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. While this review took us longer than anticipated, it was nevertheless important and useful to get your comments and suggestions for the revision of the draft.

2. Your further comments and observations on the revised draft, which appeared in the form of conference room papers and for which advance copies were also made available to you, helped immensely in the preparation of the final text for this session, which is now contained in A/CONF.164/22/Rev.1.

3. It is well at this time to recall the mandate given to us by the General Assembly at its forty-seventh session, in its resolution 47/192 of 22 December 1992. Under this mandate, the Conference is required to seek means of promoting the effective implementation of the provisions of the United Nations Convention on the Law of the Sea, with respect to straddling fish stocks and highly migratory fish stocks. In so doing, the Conference is required to identify and assess existing problems related to the conservation and management of those two types of fish stocks; to consider means of improving fisheries cooperation among States; and to formulate appropriate recommendations.

4. This mandate, which was based on the decision of heads of Government at the Earth Summit in Rio de Janeiro, reflected the concern of the international

community with the state of world fisheries and the realization that there was a pressing need for long-term and sustainable conservation and management measures for straddling fish stocks and highly migratory fish stocks. In Agenda 21 of the United Nations Conference on Environment and Development, the problems were identified as inadequate management of fisheries, over-utilization of some stocks, unregulated fishing, overcapitalization, excessive fleet size, vessel reflagging to escape controls, insufficient selection of gear, unreliable databases and lack of sufficient cooperation between States.

5. The situation regarding world fisheries since this Conference began in 1993 has not changed. In fact, it has worsened. Recent reports from the Food and Agriculture Organization of the United Nations (FAO) indicate that the downward trend in total fish catch from the oceans continues. The reports generally confirm the urgent need for States to implement effective conservation and management measures to rebuild stocks.

6. We have been trying at this Conference, since its inception, to address the problems of effective conservation and management of the two types of stocks. We identified the problems in the early part of the Conference. Since then, the Conference has been discussing how to address the problems in an effective and decisive manner in order to establish better resource management practices and to ensure sustainable use of the resources.

7. This Conference must deliver an outcome which provides for better conservation and management of straddling fish stocks and highly migratory fish stocks as a whole, based on compatible measures taken in areas within national jurisdiction and those on the high seas, the use of the precautionary approach, including the use of reference points for total allowable catch, and requirements relating to data collection. We have the responsibility to ensure that the resources we are concerned with are available in a healthy condition for the use of present and future generations. For this purpose, sustainable use of these resources is the common responsibility of all who are present-day custodians of the resource.

8. Our efforts in this regard are reflected in the draft agreement contained in document A/CONF.164/22/Rev.1. The text of that agreement takes a balanced approach between the interests of the coastal States and those of the distant-water fishing nations. But these are not the only interests that must be considered. In addressing the problems, we must also take into account the collective interest of the international community as a whole, if we are to secure sustainable use of the resources for present and future generations.

9. In examining the text, one should look for balance in its substantive content, and not on how often certain preferred words or phrases have been used. The text acknowledges that stocks must be managed in an effective way. It recognizes the biological unity of stocks and the different legal regimes applying in the areas under national jurisdiction and on the high seas consistent with the provisions of the 1982 United Nations Convention on the Law of the Sea. You will find that in devising measures for better management, the text goes beyond just addressing the problems of the high seas and seeks to establish that better management of stocks is the responsibility of all States

and in all zones, taking into account the respective competences of States under the Convention.

10. In order to achieve the objective of long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, the text creates three essential pillars.

11. First, it provides for principles and practices on which better management of stocks should be based. The first objective of these is to seek compatible conservation and management regimes both inside and outside areas of national jurisdiction. These measures should be established on the basis of a precautionary approach and should use reference points for establishing the level of utilization of stocks. They should be based on the best scientific information available, and for this purpose an essential element in the management procedures is the requirement for the collection and exchange of data and information.

12. The second pillar is the need to ensure that the conservation and management measures adopted for the high seas are adhered to and complied with, and that they are not undermined by those who fish in those areas. This must be the collective responsibility of all States concerned in a particular fishery. In respect of areas under national jurisdiction, there is an identifiable and accountable authority, that is, the coastal State. The responsibilities of the coastal State are clearly stated in the Convention and have been further elaborated and reinforced in the present draft Agreement in terms of better management practices that are to be applied. In particular, the provisions of articles 5, 6 and 7 of the draft will also apply in areas under national jurisdiction.

13. On the high seas, however, the traditional responsibility for ensuring that conservation and management measures are adhered to and complied with is that of the State whose flag the fishing vessel flies. This principle was developed at a time when the resources in the ocean were considered to be limitless and when vessels did not travel such vast distances to fish as they do today. Today's fishing practices are a reflection of modern methods of fishing and of the rapid development of technology during the latter half of the twentieth century. The result is that there is great pressure on stocks and keen competition for them. We are, therefore, now faced with the need to regulate fisheries on the high seas. Indeed, the Convention on the Law of the Sea, which has responded to the needs of the twentieth-century international community and has revised and modified many of the old concepts, customs and practices in relation to the oceans, recognizes that the right to fish on the high seas is coupled with a duty to cooperate in the conservation and management of those resources. This cooperation must apply to all aspects of conservation and management measures, including the enforcement measures necessary to ensure compliance with subregionally, regionally or globally agreed measures. The flag State is not always in a position to undertake enforcement action that is required, either because of its distance from the area where enforcement action is to be taken or because it is simply unwilling to act.

14. If we are to achieve better management of fisheries, our Agreement must go beyond the concept that the flag State is the only authority for the taking of

enforcement measures in all circumstances. Effective enforcement on the high seas must rely on better cooperation among States in a manner that promotes the community interest on the one hand, and protects the interest of a flag State on the other, in a fair and balanced way.

15. The exclusive jurisdiction of a State over vessels flying its flag on the high seas is not immutable. The Convention provides for instances when non-flag States are permitted to take action on the high seas to safeguard the interests of the international community. Examples of these are to be found in article 110 in respect of ships engaged in activities such as piracy and the slave trade. Under article 111, intervention on the high seas is permitted in the exercise of the right of hot pursuit. A more recent example where the needs of the international community necessitated the development of enforcement possibility for non-flag States is in the area of drug trafficking. There are also arrangements among States for intervention by non-flag States on the high seas in order to discourage illegal migration.

16. In the field of fisheries, there already exist examples of non-flag State action - in particular, boarding and inspection of vessels - in an increasing number of regional fisheries arrangements. Examples of these include: the Northwest Atlantic Fisheries Organization (NAFO), the Bering Sea "Donut Hole" Pollack Agreement, the Convention on the Conservation of Antarctic Marine Living Resources and the Niue Treaty in the South Pacific.

17. Taking into account these developments, and the need for improved enforcement regimes in support of regionally agreed conservation and management measures, the draft Agreement provides for strengthened cooperation at the global and regional levels in the enforcement of fisheries measures. The outcome of the Conference on this issue must be based on a globally recognized right to board and inspect vessels in support of subregionally, regionally or globally agreed conservation and management measures. Specific procedures should be developed at the regional level to take into account the particular circumstances of each fishery and the area in which the procedures will apply. Nevertheless, basic standards and principles need to be set in a global agreement in order to avoid a proliferation of different rights with differing degrees of assertion, and in order to create certainty and stability in the oceans for all.

18. In developing provisions in this area, we need to ensure that the possible enforcement measures that non-flag States may take should be a last-resort action. The primary responsibility must remain for the flag State to exercise its jurisdiction. There is therefore a need for a balance between the inherent jurisdiction of the flag State and the action that may be taken by a non-flag State in support of regionally agreed measures. Clearly, this is an area in the draft Agreement which needs careful examination and where further work is necessary to achieve the level of balance with which the Conference as a whole can feel comfortable.

19. The third pillar of the draft agreement is the provision on peaceful settlement of disputes. Conflicts concerning the use of the oceans are not new, nor will they cease. We must, however, not only find mechanisms to avoid conflicts in the fisheries area through clear definition of measures, standards

and objectives in the conservation and management of marine living resources, but also establish procedures for resolving disputes peacefully in a manner that promotes the sustainable use of resources through improved cooperation among States.

20. One of the cornerstones of the 1982 United Nations Convention on the Law of the Sea is the part relating to the compulsory and binding settlement of disputes arising out of the interpretation and application of the provisions of the Convention. The dispute settlement provisions contained in Part XV of the Convention were elaborated after long and careful deliberation, and have been widely accepted. They provide an appropriate basis for dealing with disputes arising under the Agreement on which we are working, since the fundamental purpose of the draft Agreement is the effective implementation of the relevant provisions of the Convention concerning straddling fish stocks and highly migratory fish stocks. I am pleased that the Conference has made considerable progress on this matter during this session and it would be fair to conclude that there is widespread support for the use of the dispute settlement provisions contained in the Convention for the purposes of this Agreement. This has obviated the need for the Conference to devise a new mechanism for the settlement of disputes in the Agreement.

21. The other parts of the draft Agreement provide the means and mechanisms for the effective implementation of the three pillars which I have outlined. Part III contains the essential mechanism for cooperation at subregional and regional levels. It sets out a guideline for regional cooperation.

22. Part IV deals with States which are not members or parties to subregional or regional fisheries management organizations or arrangements. Part V deals with responsibilities of flag States and Part VII deals with the requirements of developing States in the implementation of the Agreement. On most, if not all of these provisions, there is already broad agreement.

23. I hope you will study the text of the draft Agreement between now and the next session with an open mind. You should look to see whether the objective of long-term sustainable use of fisheries resources can be effectively achieved through this Agreement. The text that has been prepared takes into account the views that have been expressed in the Conference. Naturally, no one can expect that all the different proposals and suggestions have been reflected in full or even in part in the text. However, an attempt has been made to incorporate as much as possible. Some of the proposals were opposed by some delegations. Some others, if incorporated in particular sections or parts, would have produced a result which would, in my judgement, create an imbalance in the text as a whole. I therefore appeal to you that in evaluating the results of this session as contained in the draft Agreement, you should look not for a perfect text, but for a text which the Conference as a whole can live with. This, of course, does not preclude the raising of issues which may be essential or which may require further discussion before the final adoption of a text.

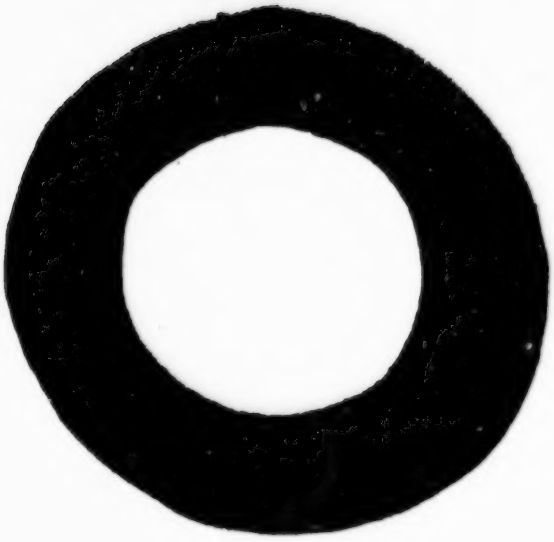
24. As we have decided already, the next session is the final session of this Conference, at which we must conclude our work by adopting an Agreement. It is going to be a short session and much of the time, as you know already, must be

devoted towards technical aspects relating to the finalization of the text and its harmonization in all languages.

25. We will also need to look at the draft Final Act of the Conference which the Secretariat will prepare for us. I recognize that during the very early part of the session, we may need to look at some of the substantive matters with a view to possible improvement of the text. We must, however, limit the number of issues that we reopen, given the short time that will be available to us.

26. Our schedule for the next session, therefore, will be a very tight one. I encourage those who wish to undertake informal consultations in preparation for the next session to do so in the hope that by the time we begin the next session, we have come to an understanding on any outstanding matters.

27. The programme of work for the next session was already decided at the fourth session of the Conference. I do not believe it is necessary to revisit it at this time.



UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/CONF.164/29
18 May 1995

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Fifth session
New York, 27 March-12 April 1995

REPORT ON THE FIFTH SESSION OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Prepared by the Secretariat

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 11	2
	A. Opening of the session	1 - 5	2
	B. Attendance	6 - 10	3
	C. Programme of work	11	4
II.	GENERAL DEBATE	12	4
III.	CONSIDERATION OF THE ISSUES	13 - 37	4
IV.	CREDENTIALS COMMITTEE	38 - 40	8
V.	VOLUNTARY FUND	41 - 42	8
VI.	CLOSING OF THE SESSION	43 - 50	8

95-14981 (E) 300595 010695

I. INTRODUCTION

A. Opening of the session

1. The fifth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was held in New York from 27 March to 12 April 1995. The session was convened in accordance with paragraph 2 of General Assembly resolution 49/121 of 19 December 1993, entitled "United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks". The sixth session of the Conference will be held in New York from 24 July to 4 August 1995. 1/

2. The Chairman of the Conference made a statement at the opening of the session. 2/ In that statement, he provided, inter alia, information on the results of inter-sessional consultations held at Geneva in February 1995, at which some 25 States had been represented. He stated that the consultations had provided an opportunity for an exchange of views on the various provisions of the draft Agreement which he had prepared at the end of the fourth session and that the discussions among delegations had reinforced the constructive attitude that had prevailed at that session. He referred to a number of useful suggestions made for improving the text and expressed his expectation that those and other suggestions would be made in the plenary of the fifth session. He confirmed that inter-sessional discussions could be only preparatory in nature and that they did not, and could not, pre-empt the deliberations and decisions of the Conference. He underlined that they were nevertheless useful in that they had identified areas where more time and effort were needed and paved the way towards ultimate agreement.

3. He further noted that among the matters which generated much discussion were the following: compatibility of conservation and management measures in areas under national jurisdiction and in high seas areas; new participants in subregional or regional fisheries organizations or arrangements; enforcement of conservation and management measures in high seas areas by non-flag States; and the desirability of using the provisions of the United Nations Convention on the Law of the Sea with respect to settlement of disputes.

4. Referring to a recent report on the state of world fisheries and aquaculture issued by the Food and Agriculture Organization of the United Nations (FAO), he emphasized that action was needed on:

(a) The control of fishing effort and the reduction of the industry's overcapacity;

(b) Resource allocation decisions;

(c) The establishment of more effective users' rights; improved decision-making on resource use;

(d) The adoption of precautionary approaches to fisheries conservation and management.

5. He emphasized that the problems identified in the FAO report were the very concerns that had led to the convening of the Conference. They did not belong to one region or one group of States, but concerned the international community as a whole. He underlined that the solutions must be global in nature, and their effect must be to bring order to the oceans and to promote cooperation among States.

B. Attendance

6. Representatives of the following 94 States attended the session: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Brazil, Canada, Chile, China, Colombia, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Denmark, Ecuador, Egypt, Estonia, Fiji, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kiribati, Lebanon, Lithuania, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Niue, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Senegal, Seychelles, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela and Viet Nam.

7. The following associate member of a regional commission was represented: Montserrat.

8. The following specialized agency was represented: Food and Agriculture Organization of the United Nations (FAO).

9. The following seven intergovernmental organizations were represented: Inter-American Tropical Tuna Commission (IATTC), European Community, International Commission for the Conservation of Atlantic Tunas (ICCAT), International Maritime Satellite Organization (INMARSAT), Organización Latinoamericana de Desarrollo Pesquero (OLDEPESCA), North Atlantic Salmon Conservation Organization (NASCO) and Permanent South Pacific Commission (CPPS).

10. The following 29 non-governmental organizations were represented, in accordance with paragraphs 4 and 12 of General Assembly resolution 47/192 of 22 December 1992: American Oceans Campaign, American Society of International Law, Association of the Bar of the City of New York, Association Tunisienne pour la Protection de la Nature et de l'Environnement, Both Ends, Canadian Oceans Caucus, Center for Marine Conservation, Centre de Recherches pour le Développement des Technologies Intermédiaires de Pêche (CREDETIP), Comité Catholique contre la Faim et pour le Développement, Council on Ocean Law, Federation of Japan Tuna Fisheries Cooperative Associations, Fisheries Council of Canada, Fish, Food And Allied Workers (FFAW CAW), Friends of the Earth International, Greenpeace International, International Coalition of Fisheries Associations, International Collective in Support of Fishworkers (ICSF), International Confederation of Free Trade Unions, International Institute for

Sustainable Development, International Union for the Conservation of Nature (IUCN), National Audubon Society, National Wildlife Federation, Natural Resources Defense Council, Quaker United Nations Office, United Nations Association in Canada, United Nations Environment & Development - UK Committee (United Nations Association - UK), Wildlife Conservation Society, Women and Fisheries Network, and World Wide Fund for Nature (WWF UK).

C. Programme of work

11. Following the consultations of the Chairman with the members of the Bureau, the Conference agreed to the following programme of work for the session: (a) meetings of the plenary to give delegations the opportunity to make general comments on the Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks prepared by the Chairman of the Conference (A/CONF.164/22); (b) examination of the text in detail in informal meetings of the plenary; (c) informal consultations of the Chairman with a view to resolving outstanding issues; and (d) examination of the text in its revised form, to be issued at the beginning of the second week of the session.

II. GENERAL DEBATE

12. In accordance with the programme of work referred to in paragraph 11, at the 58th, 59th and 60th meetings, held on 27 and 28 March 1995, general statements were made by Mr. Brian Tobin, Minister of Fisheries and Oceans of Canada, and Ms. Emma Bonino, Commissioner of the European Commission, as well as by the representatives of United States of America, Chile, Peru, Australia (on behalf of the member countries of the South Pacific Forum Fisheries Agency), Thailand, China, Brazil, Japan, the Republic of Korea, Poland, Iceland, Norway, Argentina, the Russian Federation, Ukraine, Bangladesh, Mexico, Ecuador and Morocco. Statements were also made by the representatives of the Permanent South Pacific Commission (CPPS) and the Latin American Organization for Fisheries Development (OLDEPESCA), as well as by the observer for Greenpeace International.

III. CONSIDERATION OF THE ISSUES

13. From the 60th to 75th meetings, the Conference conducted a section-by-section examination of the Draft Agreement prepared by the Chairman of the Conference.

14. The Draft Agreement consisted of: Preamble, Part I (General provisions), Part II (Conservation and management of straddling fish stocks and highly migratory fish stocks), Part III (Mechanisms for international cooperation concerning straddling fish stocks and highly migratory fish stocks), Part IV (Responsibilities of the flag State), Part V (Compliance and enforcement), Part VI (Port State enforcement), Part VII (Requirements of developing States), Part VIII (Peaceful settlement of disputes), Part IX (Non-participants), Part X

(Abuse of rights), Part XI (Non-parties to this Agreement), Part XII (Reports on implementation and review conference), Part XIII (Final provisions), annex 1 (Minimum standard for collection and sharing of data), annex 2 (Suggested guidelines for application of precautionary reference points in conservation and management of straddling fish stocks and highly migratory fish stocks) and annex 3 (Arbitration procedure).

15. At the 60th meeting, held on 28 March 1995, statements were made by the representatives of the Russian Federation, Peru, Japan, Bangladesh, Canada, India, Argentina, Poland, Mexico, the Republic of Korea, Australia, New Zealand, China, Malta, Papua New Guinea, the United States of America and Norway, as well as by the representative of the European Community.

16. At the 61st meeting, held on 28 March, statements were made by the representatives of Peru, Chile, Poland, the Russian Federation, China, Argentina, Uruguay, Japan, Estonia, Australia, New Zealand, Sri Lanka, India, Poland, Brazil, Canada, Morocco, Papua New Guinea, the United States of America, the Republic of Korea and Lebanon, as well as by the representative of the European Community. A statement was also made by the observer for Greenpeace International.

17. At the 62nd meeting, held on 29 March, statements were made by the representatives of Chile, Uruguay, the United States of America, Japan, Peru, India, Canada, the Russian Federation, Papua New Guinea, Poland, New Zealand, Australia, Fiji, Morocco, the Philippines, Argentina and Indonesia, as well as by the representative of the European Community. The observer for the Natural Resources Defense Council also made a statement.

18. At the 63rd meeting, held on 29 March, statements were made by the representatives of Peru, Chile, the United States of America, Uruguay, New Zealand, Lebanon, Australia, Poland, the Russian Federation, Brazil, the Federated States of Micronesia, Sri Lanka, Indonesia, Canada, Japan, China, Colombia, the Republic of Korea, Malta, Ecuador and Argentina, as well as by the representative of the European Community. The representative of the Permanent South Pacific Commission (CPPS) and the observer for the Canadian Oceans Caucus made statements.

19. At the 64th meeting, held on 30 March, statements were made by the representatives of Iceland, the Philippines, Uruguay, the Republic of Korea, Thailand, Chile, New Zealand, Peru, Norway, the Russian Federation, Japan, Indonesia, Argentina, Mexico, Papua New Guinea, Poland, Australia, the United States, China, Ukraine, Kiribati, Colombia, the Islamic Republic of Iran, India, Guatemala and Morocco, as well as by the representative of the European Community.

20. At the 65th meeting, held on 30 March, statements were made by the representatives of the United States, Canada, Peru, the Russian Federation, Japan, New Zealand, Poland, Chile, Canada, Thailand, Australia, Uruguay, the Republic of Korea, China, India, Argentina, Mexico and Malta, as well as by the representative of the European Community. Statements were also made by the observers for Greenpeace International, the World Wide Fund for Nature and the Canadian Ocean Caucus.

21. At the 66th meeting, held on 31 March, statements were made by the representatives of Papua New Guinea, the Russian Federation, Guatemala, Canada, Chile, the United States, Norway, Thailand, Japan, Peru, China, Poland, Australia and Brazil, as well as by the representative of the European Community.

22. At the 67th meeting, held on 31 March, statements were made by the representatives of Iceland, Canada, the Republic of Korea, the Federated States of Micronesia, Mexico, Israel, Thailand, Belize, Uruguay, Chile, Papua New Guinea, India, Argentina, the Russian Federation, New Zealand, Peru, Japan, Malta, Poland, China, the United States, Mexico, the Marshall Islands, the Philippines, Sri Lanka and Australia, as well as by the representative of the European Community. A statement was also made by the observer for the International Collective in Support of Fishworkers (ICSF).

23. At the 68th meeting, held on 3 April, statements were made by the representatives of Canada, Uruguay, Fiji, China, Brazil, Japan, Poland, Morocco, the Republic of Korea, the Russian Federation, Malta, Peru, Australia, the United States, Mexico, Israel, New Zealand, Norway, the Philippines and Chile, as well as by the representative of the European Community.

24. At the 69th meeting, held on 3 April, statements were made by the representatives of Sri Lanka, Thailand, Canada, the Russian Federation, Panama, the Republic of Korea, the United States, Peru, Uruguay, Poland, Japan, New Zealand, China, Australia, Papua New Guinea, the Federated States of Micronesia, Indonesia, Israel, Mexico, Malta and Chile, as well as by the representative of the European Community. A statement was also made by the observer for the International Collective in Support of Fishworkers (ICSF).

25. At the 70th meeting, held on 4 April, statements were made by the representatives of the United States, the Republic of Korea, Japan, China, Chile, Thailand, Poland, New Zealand, Argentina, Sri Lanka, Colombia, Norway, Australia, the Russian Federation, Indonesia, Uruguay, Malta, Peru, Papua New Guinea, Mexico, Ecuador, Fiji, the Philippines and Estonia, as well as by the representative of the European Community. The representative of the Permanent South Pacific Commission (CPPS) also made a statement.

26. At the 71st meeting, held on 4 April, statements were made by the representatives of Morocco, the Republic of Korea, Peru, Mexico, Japan, Uruguay, Canada, Indonesia, Poland, the Russian Federation, Brazil, China, Iceland, Mexico, Australia, the Marshall Islands, Norway, the Philippines, Venezuela, the United States, Malaysia, Malta, Sri Lanka, New Zealand and Papua New Guinea, as well as by the representative of the European Community. Statements were also made by the observers for the International Collective in Support of Fishworkers and Greenpeace International.

27. At the 72nd meeting, held on 5 April, statements were made by the representatives of Peru, Chile, Malta, Argentina, the Russian Federation, Canada, the United States, Turkey, Norway, Venezuela, Poland, Papua New Guinea, China, Tunisia, the Republic of Korea, Uruguay, Japan, New Zealand, Israel, Mexico, Ecuador, Estonia, Australia and Indonesia, as well as by the representative of the European Community.

28. At the 73rd meeting, held on 5 April, statements were made by the representatives of the United States, the Russian Federation, Venezuela, Brazil, Japan, Senegal, New Zealand, the Philippines, Australia, China, Argentina, Malta, Mexico, Peru, Japan, Chile, Sri Lanka, Iceland, Canada, the Republic of Korea, Norway, Australia, Thailand, Indonesia, Kiribati, Uruguay, the Federated States of Micronesia, Papua New Guinea, the Marshall Islands and Poland, as well as by the representative of the European Community. Statements were also made by the observers for Greenpeace International and the International Collective in Support of Fishworkers.

29. At the 74th meeting, held on 6 April, statements were made by the representatives of Brazil, Peru, the Russian Federation, the Republic of Korea, China, Iceland, Mexico, the Marshall Islands, Poland, New Zealand, Norway, Australia, Argentina, Morocco, Lebanon, Ecuador, Venezuela, Uruguay, Japan, Chile, the Philippines, Indonesia, the United States, Papua New Guinea, the Federated States of Micronesia, Namibia, Vanuatu, Malta and the Russian Federation, as well as by the representative of the European Community. A statement was also made by the observer for Centre de Recherches pour le Développement des Technologies Intermédiaires de Pêche (CREDETIP).

30. At the 75th meeting, held on 6 April, statements were made by the representatives of Peru, Norway, Canada, Israel, Uruguay, Papua New Guinea, Venezuela, the United States, Japan, Morocco, Malta, China, Argentina, the Russian Federation and Indonesia, as well as by the representative of the European Community.

31. At the 76th meeting, held on 7 April, the Chairman introduced informal texts of revised articles of the Draft Agreement.

32. At the same meeting, statements were made by the representatives of Australia (on behalf of the member countries of the South Pacific Forum Fisheries Agency), the Russian Federation, Turkey, Peru, Japan, Uruguay, Chile, Canada, Malta and Brazil.

33. At the 77th meeting, held on 10 April, the Conference began the consideration of a document entitled "Revised text of Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", prepared by the Chairman (A/CONF.164/CRP.6 and Add.1).

34. At the same meeting, statements were made by the representatives of Canada, the Russian Federation, Norway, Thailand, Japan, Argentina, Chile, Malta, New Zealand, the Republic of Korea, Mexico, China, Uruguay, Australia, Ukraine, Poland and Peru, as well as by the representative of the European Community. A statement was also made by the observer for Greenpeace International.

35. At the 78th meeting, held on 10 April, consideration of the revised text continued, with statements made by the representatives of Japan, Canada, Indonesia, Argentina, the Russian Federation, Peru and Turkey, as well as by the representative of the European Community.

36. At the 79th meeting, held on 11 April, the Chairman made a statement on the organization of work. Statements were made by the representatives of Chile, Peru, Uruguay, Poland and Japan.

37. During the session, the Chairman also convened several informal consultations with a view to addressing outstanding issues.

IV. CREDENTIALS COMMITTEE

38. The Credentials Committee met on 7 April 1995.

39. At the 79th meeting, held on 11 April, the Chairman of the Credentials Committee, Mr. A. L. Daverede (Argentina), introduced the report of the Credentials Committee A/CONF.164/27 3/ and informed the Conference that, in addition to the States listed in paragraph 4 of the report, credentials in the form provided for by rule 4, paragraph 1, of the rules of procedure had been submitted to the Secretary-General by Bahamas, Colombia, India and the Republic of Korea. 4/

40. At the same meeting, the Conference approved the report of the Credentials Committee and adopted the draft decision as contained in paragraph 8 of the report.

V. VOLUNTARY FUND

41. In paragraph 5 of resolution 49/121, the General Assembly renewed its request to Governments and regional economic integration organizations to contribute to the voluntary fund established for the purpose of assisting developing countries, especially those most concerned by the subject-matter of the Conference, in particular the least developed among them, to participate fully and effectively in the Conference.

42. A contribution to the fund with respect to the fifth session was received from Canada. Travel assistance for attending this session was granted to representatives of eight States falling under the provisions of paragraph 9 of General Assembly resolution 47/192. Travel expenses shall be reimbursed to representatives of four other such States.

VI. CLOSING OF THE SESSION

43. At the 80th meeting, held on 12 April 1995, the Chairman introduced a complete revised text of the Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/CONF.164/22/Rev.1), which he had prepared on the basis of documents A/CONF.164/CRP.6 and Add.1.

44. At the same meeting, the Chairman made a closing statement. 5/ He expressed his belief that considerable progress had been made during the current session in all areas of work of the Conference.

45. He also recalled the mandate of the Conference given in resolution 47/192 and stressed that the Conference must deliver an outcome which would provide for better conservation and management of straddling fish stocks and highly migratory fish stocks as a whole, based on compatible measures taken in areas within national jurisdiction and those on the high seas, the use of the precautionary approach, including the use of reference points, and requirements relating to data collection. He emphasized that sustainable use of these resources was the common responsibility of all who were present-day custodians of the resource.

46. With respect to the revised text of the Draft Agreement, he noted, inter alia, that it took a balanced approach between the interests of the coastal States and those of distant-water fishing nations. Those were, however, not the only interests that had to be considered; the collective interests of the international community must also be taken into account if the sustainable use of those resources for present and future generations was to be secured.

47. He stated that in order to achieve the objective of long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, the text created three essential pillars. It provided for principles and practices on which better management of stocks should be based and sought to establish compatible conservation and management regimes both inside and outside areas of national jurisdiction. It attempted to ensure that the conservation and management measures adopted for the high seas were adhered to, and complied with, and that they were not undermined. For that purpose, basic standards and principles needed to be set in a global agreement in order to avoid a proliferation of different rights with differing degrees of assertions, with a view to promoting certainty and stability in the oceans for all. Finally, it provided for peaceful settlement of disputes by establishing procedures which would promote the sustainable use of resources through improved cooperation among States.

48. The text acknowledged, he further noted, that stocks must be managed in an effective way. It also recognized the biological unity of stocks and the different legal regimes applying in the areas of national jurisdiction and on the high seas consistent with the provisions of the United Nations Convention on the Law of the Sea. In devising measures for better management, the text went beyond just addressing the problems of the high seas, and sought to establish that better management of stocks was the responsibility of all States and in all zones, taking into account the respective competencies of States under the Convention.

49. In concluding, he recalled that the next session would be the final one, at which the Conference should conclude its work by adopting an Agreement. He emphasized that much of the time would have to be devoted to technical aspects relating to the finalization of the text and its harmonization in all languages, and that the Conference would also need to look at the draft Final Act which the

Secretariat would prepare. He recognized, however, that during the very early part of the final session, the Conference might have to consider some of the substantive matters with a view to improving the text. Finally, he encouraged those who wished to undertake informal consultations in preparation for the next session to do so. He reminded the delegations that the programme of work for the next session had been decided at the fourth session. 6/

50. At the same meeting, statements were made by the representatives of Brazil, Peru, Estonia, Norway, Chile, the United States, Japan, Indonesia, China, Australia (on behalf of the member countries of the South Pacific Forum Fisheries Agency), Argentina, Poland, the Russian Federation, Uruguay, the Republic of Korea, Canada, Iceland, Senegal, Morocco, Sri Lanka and Mexico, as well as by the representative of the European Community. The observers for Greenpeace International and for the World Wide Fund for Nature also made statements.

Notes

1/ For the report on the fourth session of the Conference, see document A/CONF.164/25. For the report of the Secretary-General to the forty-ninth session of the General Assembly under agenda item 89 (c) (environment and sustainable development) entitled "Sustainable use and conservation of the marine living resources of the high seas: United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks", see document A/49/522.

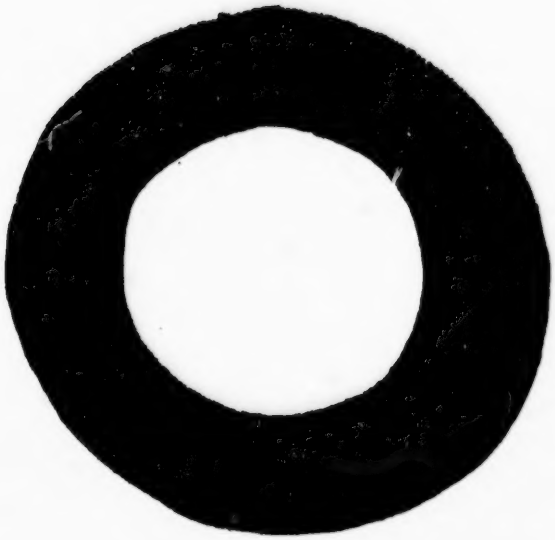
2/ A/CONF.164/26.

3/ Subsequently revised and issued as A/CONF.164/27/Rev.1.

4/ As of 16 May 1995, five more States, i.e., Belize, Cuba, Mauritania, Panama and Seychelles had validated the appointment of their representatives by submitting credentials in the form provided for by rule 4, paragraph 1 of the rules of procedure.

5/ A/CONF.164/28.

6/ See A/CONF.164/24, para. 9, and document A/CONF.164/25, para. 31.



UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.164/30
1 August 1995

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON STRADDLING
FISH STOCKS AND HIGHLY MIGRATORY FISH
STOCKS
Sixth session
New York, 24 July-4 August 1995

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE OPENING OF THE SIXTH SESSION, HELD ON 24 JULY 1995

1. I welcome you to the sixth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Conference has agreed to conclude its work at this session by adopting an agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. In previous sessions I have highlighted the state of world fisheries and noted that some 70 per cent of world fish stocks have been depleted by overfishing. As we enter the final phase of this Conference, it is sobering to realize that, despite the best efforts and intentions of the international community over the past two decades and more, there has been, in fact, very little improvement in the state of world fisheries conservation and management. There is an urgent need to address the underlying problems on all fronts if production declines in marine capture fisheries are to be reversed.

3. At the 1992 Conference on Environment and Development, held at Rio de Janeiro, national leaders committed themselves to seeking a better world where natural resources were harvested for the benefit of all in a sustainable and environmentally safe manner. This Conference has had to deal with the fact that fishing, both on the high seas and within zones of national jurisdiction, must be more effectively controlled if the sustainability of the world's fishery resources is to be assured.

4. We will have gone a long way towards achieving that objective in this Conference if we agree upon concrete measures that translate into strong and sound fisheries conservation and management practice by all States in all areas with respect to straddling fish stocks and highly migratory fish stocks.

5. During the 1970s, when the 1982 United Nations Convention on the Law of the Sea was being negotiated, there was a widely held expectation that the introduction of extended jurisdiction and more clearly defined rules for the harvesting of marine resources would lead to marked improvements in fisheries conservation and management. However, it has to be acknowledged that those improvements have not yet materialized and the 1982 Convention has yet to be implemented effectively. We have now been afforded a unique opportunity to pave the way towards its effective implementation.

6. The political dimension of fisheries conservation and management has until now been underestimated. Fisheries management requires unpopular decisions to be made concerning limiting catch and effort in fisheries to sustainable levels. Many Governments have had difficulty in addressing conservation and management issues because the decisions required have major commercial and political ramifications.

7. It was not foreseen at the time of the development of the United Nations Convention on the Law of the Sea that many Governments would increase subsidies for the fishing industry in the way that they have done for operations both within zones under national jurisdiction and on the high seas. Subsidies for boat-building and fishing operations have masked the real cost of fishing and have led to expansion of fishing activity well beyond the capacity of the world's fisheries resources.

8. The regime that we are constructing through this Conference will provide a framework for States to confront the reductions in catch and effort that will be necessary for fisheries to have a sustainable future and to make an effective contribution to world food security for present and future generations.

9. I would like to acknowledge the extent to which all participants have recognized the seriousness of the issues before this Conference and the heavy responsibility that we collectively bear in that regard. We have worked hard to find common solutions. These are now reflected in the draft agreement.

10. I am particularly grateful to those States that have made special efforts since the last session of our Conference to help to advance our work. In my closing statement at the last session I encouraged delegations to undertake inter-sessional consultations in order to facilitate agreement on any remaining issues. I also indicated that I would myself coordinate and consult with delegations in the preparation for this session. As in previous sessions I feel it is proper, in the interests of transparency, to report to the Conference on the outcome of my consultations.

11. In this regard I am pleased to inform you that I was invited to a meeting last month of a small group of States, convened at the initiative of the delegation of the United States, in Washington, D.C. I am grateful to Mr. Larry Snead and his colleagues for this initiative. Views were exchanged at this meeting on one of the more difficult aspects of the draft agreement: the issue of enforcement by non-flag States. As this was a purely informal and exploratory meeting, no conclusions were reached, but I believe that all those present found the dialogue most constructive and the ideas exchanged very useful.

12. Last week I convened an informal meeting, as I had done prior to the last session of the Conference, to consult on the issue of enforcement, and I am grateful to all those delegations that took part. Considerable progress has been made in these consultations on that issue. It is my intention to provide you, in due course, with a revised draft of article 21 for your consideration.

13. This is our last substantive session and we must conclude our work by adopting a final agreement. The programme of work for this session was decided upon at our last session and I see no reason to change that programme. This is a short session and much of the time must be devoted to technical work relating to the finalization of the text and its harmonization in all languages. The Secretariat and the editorial and translation services have already done some preliminary work for our consideration. This is reflected in conference room paper 7. We will also need to look at the draft Final Act of the Conference, which the Secretariat has prepared for us. In addition, we should also look at any remaining issues that might be raised.

14. Our schedule is thus a very tight one and I would urge all of you to focus on those parts of the text that need to be streamlined and not to try to reopen issues that are substantially settled and for which the text has general support. I would like to urge delegations that have particular concerns or suggestions for further improvements to the text to inform me of them as soon as possible in order that we can deal with these in informal consultations, where appropriate. At the same time I must urge delegations to bear in mind that the text as it stands is the product of extensive negotiation and discussion over five previous sessions and reflects a careful balance. In proposing changes, therefore, you should first ask yourselves whether those changes will respect the balance and integrity of the draft agreement as a whole.

15. We have to complete this phase of our work by the middle of next week in order to give the Secretariat time to issue the final text of the draft agreement before its adoption at the end of that week.

16. Since we have decisions to take during this session I urge you to ensure that your credentials are in order. They should be deposited with the Secretariat as required by the rules of procedure.

17. We have much work to do during the next two weeks. I sense there is a strong will and an underlying commitment to complete our work successfully by adopting the agreement. I look forward to working with you during this session to achieve an effective outcome that brings credit to us all and establishes a regime that will secure a sustainable future for the world's straddling fish stocks and highly migratory fish stocks.